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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/627,770	07/28/2000	Frankie F. Roohparva	400.044US01	3078

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EXAMINER

PEIKARI, BEHZAD

ART UNIT	PAPER NUMBER
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2186

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/627,770

Applicant(s)

ROOHPARVA, FRANKIE F.

Examiner

B. James Peikari

Art Unit

2186

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet


B. James Peikari
Primary Examiner
Art Unit: 2186

Continuation of 5. does NOT place the application in condition for allowance because:

(1) Applicant's arguments hinge on the assertion that "Figure 2 of Akaogi et al. shows a single sense amplifier block 268, and not a plurality of buffers". However this statement ignores the explicit language of the final rejection including the reference to column 9, lines 8-19 which state that "it should be understood that the circuitry surrounding and including each bank operates as a localized version of a conventional flash memory". It is well known that conventional flash memory (and, in fact, most memories) was fabricated and sold with input and output buffers to facilitate the timing of data transfers. In this case, no Official notice is necessary, since this fact was plainly stated in column 7, lines 59 et seq., also referenced in the final rejection, which state "Arrangements such as output buffering, data latching, or other data read out mechanisms may be utilized together or separately as appropriate to assist the read sense amplifier block 268 ... These mechanisms and/or arrangements are not illustrated in FIG. 2, but are preferably included in the flash memory 200." Thus, applicant's statement about what Figure 2 teaches completely ignores this explicit statement of Akaogi et al. as well as the final rejection.

Applicant's reliance on sense amplifier block 268 as the "only" mechanism to buffer data is incorrect for the reasons above and because Akaogi et al. specifically states that this is a global mechanism (note the previously cited column 9, lines 8-19) as opposed to the local circuitry of the individual flash memories. The main purpose of the Akaogi et al. system was to provide "multiple bank simultaneous operation for a flash memory" (note the title) and if applicant's interpretation of the reference were correct, no simultaneous operation would be possible at all. Clearly, applicant's interpretation is incorrect.

(2) Unlike the other independent claims, Claim 11 is a specific example of multiple bank simultaneous operation of the flash memories, however, it falls well within the scope of column 9, lines 44 et seq. (also explicitly noted in the rejection), wherein when "any of the other banks can be accessed for a read operation" would include reading from one of the output buffers of column 7 simultaneously with writing into a flash memory bank.

(3) With regard to the double-patenting rejection, the final rejection did not include a provisional rejection of claims 1-27. The rejection was of claims 1-15 and 28-38.

(4) With regard to the double-patenting rejection, applicant's statement that "claims 1-27 of the present application include simultaneous writing to an array bank while reading data from a dedicated buffer connected to the SAME array bank" (emphasis added) does not apply to claims 1-10 and 28-31 and 33-38. This feature is completely absent from the independent claims. Furthermore, even dependent claims such as claim 5 which state "wherein the plurality of buffers can be read while data is written to the plurality of banks" contains no limitation that any of the banks being read from and written to must include a SAME bank being read and written.

Continuation of 10. Other: The double patenting rejections of claims 11-15 and 32 are hereby withdrawn.